

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DAVID PEER, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

**RICK’S CUSTOM FENCING AND
DECKING, INC.**, a domestic business
corporation, and **RICHARD LEE
STANLEY**, an individual,

Defendants.

Case No. 3:20-cv-01155-AC

ORDER

Robert K. Meyer and Talia Yasmeen Guerriero, Meyer Stephenson, 1 S.W. Columbia Street, Suite 1850, Portland, OR 97204; Whitney B. Stark, Albies & Stark, 1 S.W. Columbia Street, Suite 1850, Portland, OR 97204. Attorneys for Plaintiff.

Gregory Meihn, Foley & Mansfield PLLP, 130 E. Nine Mile Road, Ferndale, MI 48220; Howard “Terry” Hall and Diane C. Babbitt, Foley & Mansfield PLLP, 999 Third Avenue, Suite 3760, Seattle, WA 98104. Attorneys for Defendants.

IMMERGUT, District Judge.

On August 13, 2021, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”). ECF 55. The F&R recommends that this Court grant Plaintiff’s Motion to Conditionally Certify Collective Action and Facilitate Notice to Potential Class

Members, ECF 24, and establish an equitable tolling date of February 5, 2021. No party filed objections. For the following reasons, the Court ADOPTS Judge Acosta's F&R.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Acosta's conclusions. The F&R, ECF 55, is adopted in full. Plaintiff's Motion to Conditionally Certify Collective Action and Facilitate Notice to Potential Class Members, ECF 24, is GRANTED, and an equitable tolling date of February 5, 2021 is established.

IT IS SO ORDERED.

DATED this 15th day of September, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge